

# Federal Advisory Committee (FAC) Membership Balance Plan

Please read the Federal Advisory Committee Membership Balance Plan Guidance prior to completing this form

## (1) FEDERAL ADVISORY COMMITTEE NAME

*State the legal name of the FAC*

**NATIVE AMERICAN EMPLOYMENT AND TRAINING ADVISORY COUNCIL (Council)**

## (2) AUTHORITY

*Identify the authority for establishing the FAC*

The Council is mandated by Public Law (105-220), Workforce Investment Act (WIA) of 1998, Section 166 (h)(4)(A), which states that the Secretary of Labor (the Secretary) shall establish a Native American Employment and Training Council to facilitate the consultation described in paragraph (2) of the statute. The Council is a non-discretionary Committee that is operated in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended 5 U.S.C., App 2, and implementing regulations (41 CFR 101-6 and 102-3).

## (3) MISSION/FUNCTION

*Describe the mission/function of the FAC*

Pursuant to WIA Section 166 (h)(4)(C) the Council shall advise the Secretary on all aspects of the operation and administration of the Native American programs authorized under Section 166 of WIA. In addition, the Council shall advise the Secretary on the implementation of other programs providing services to Native American youth and adults under WIA.

## (4) POINTS OF VIEW

*Based on understanding the purpose of the FAC,*

*(a) describe the process that will be used to ensure the committee is balanced, and identify the categories (e.g. individual expertise or represented interests) from which candidates will be considered;*

*(b) consider indentifying an anticipated relative distribution of candidates across the categories; and*

*(c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members*

The Council shall be composed of no less than 15 members, appointed by the Secretary, who are representatives of Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations (WIA Section 166(h)(4)(B).

(A) Except as otherwise required by law, Committee membership will be consistent with the applicable FACA regulations, as follows: a) Membership on the Native American Employment Council will be fairly balanced; b) Members will come from a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of the Native American Employment Council; c) the composition of the Committee will therefore depend upon several factors, including i) the Committee's mission; ii) the geographic, ethnic, social, economic, or scientific impact of the advisory committee's recommendations; iii) the types of specific perspectives required; iv) the need to obtain divergent points of view on the issues before the Committee, such as, for example, those of consumers, technical experts, the public at-large, academia, business, or other sectors; and v) the relevance of State, local or tribal governments to the development of the Committee's recommendations.

To the extent permitted by FACA and other laws, Committee membership should also be consistent with achieving the greatest impact, scope and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, race, gender, disability, sexual orientation and gender identity.

B) The membership of the Council shall, to the extent practicable, represent all geographic areas of the United States with a substantial Indian, Alaska Native, or Native Hawaiian population, and shall include representatives of tribal governments and of non-reservation Native American organizations that have expertise in the areas of secondary and post secondary education, health care, economic development, and "green jobs."

C) Pursuant to WIA Section 166 (E), the Council shall elect a chairperson and a vice chairperson from among its members by a majority of a quorum of members present and voting. The term of a chairperson and a vice chairperson shall be for two years. A chairperson and a vice chairperson may not serve more than one term consecutive.

Members of the Council shall serve at the pleasure of the Secretary for a two year term designated by the Secretary in writing. A vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment. A member appointed to a vacancy on the Council shall serve for the remainder of the term for which the predecessor of that member was appointed.

To the extent practicable, members shall be appointed according to the terms of this section of the Charter [and the FACA Membership Balance Plan, which provides information about the points of view and candidate identification process]. However, all Committee members shall serve at the pleasure of the Secretary and members may be appointed, reappointed, and/or replaced, and their terms may be extended, changed, or terminated as the Secretary sees fit.

#### **(5) OTHER BALANCE FACTORS**

*List any other factors your agency identifies as important in achieving a balanced FAC*

In order to achieve a balanced membership the Council includes associations and tribal leaders that represent disciplines within the employment and training field. Moreover, to the extent permitted by FACA and other laws, Council membership shall be consistent with achieving the greatest impact, scope, and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, race, gender, disability, sexual orientation, and gender identity.

#### **(6) CANDIDATE IDENTIFICATION PROCESS**

*Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance. The summary should:*

- (a) describe the process*
- (b) identify the agency key staff involved (by position, not name)*
- (c) briefly describe how FAC vacancies, if any, will be handled by the agency; and*
- (d) state the membership term limit of FAC members, if applicable*

To ensure that the Council is both diverse and fairly balanced with a wide range of stakeholders, the Council nomination process begins with the Council Charter.

The Agency employs a multi-faceted approach to inform the general public as well as the Department's workforce regarding the number of vacancies on the Committee. The following steps are among those that the Agency will take to solicit a broad and diverse range of qualified candidates.

The request for Council nominations is published in the Federal Register, as well as the period and requirements for submitting nominations. To promote widespread notification of these vacancies, the Agency also works with other agencies in the Department of Labor, other government agencies, and with diverse stakeholders throughout the country, including professional organizations, academia, and individuals, such as past members of the Committee. The Agency's outreach will include notification to those who have historically had limited awareness of and participation in the Committee and its activities but whose interests may be directly implicated or

affected by the work and/or recommendations of the Committee. Candidates are also nominated by WIA Section 166 grantees and tribal leaders. The application package includes a form the candidates must sign indicating their willingness to serve on the Council and to adhere to restrictions related to potential conflicts of interest.

Candidate nomination packages are submitted to the WIA Section 166 Division Director/Designated Federal Officer (DFO), who compiles a list of nominees, and reviews each candidate for diversity in areas of expertise in employment and training, gender, and tribal affiliations. The Agency then compares nominees with existing advisory group members in order to ensure diversity in geographic area of residence and expertise in areas such as, but not limited to, secondary and post secondary education, health care, economic development, credential attainment, and "green jobs." The Agency reviews all proposed candidates through the Department's internal vetting process to assure compliance with all legal and ethical requirements. The Agency reports on its efforts to the committee and the Secretary or designee.

Members of the Council serve at the pleasure of the Secretary for a two year term designated by the Secretary in writing. A vacancy occurring in the membership of the Council is filled in the same manner as the original appointment. A member appointed to a vacancy on the Council will serve for the remainder of the term for which the predecessor of that member was appointed. All Committee members serve at the pleasure of the Secretary and members may be appointed, reappointed, and/or replaced, and their terms may be extended, changed, or terminated as the Secretary sees fit. The Council shall elect a chairperson and a vice chairperson from among its members by a majority of a quorum of members present and voting. The term of a chairperson and a vice chairperson shall be for two years. A chairperson and a vice chairperson may not serve more than one term consecutive.

#### **(7) SUBCOMMITTEE BALANCE**

*Subcommittees subject to FACA\* should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different*

*\*This is relevant to those agencies that require their subcommittees to follow all FACA requirements.*

The Council has subcommittees/workgroup, composed of existing Council members and WIA Section 166 grantees. With the Agency's approval, subcommittees/workgroups are formed by the DFO and/or the Council for purposes consistent with WIA Section 166. Workgroups may not work independently of the Council and must report their recommendations and advice to the full Council for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the Council, nor can they report directly to the Department. The DFO will be notified upon the establishment of each subcommittee.

#### **(8) OTHER**

*Provide any additional information that supports the balance of the FAC*

The Council is not subject to the provision under Section 14 of FACA .

#### **(9) DATE PREPARED/UPDATED**

*Insert the actual date the Membership Balance Plan was initially prepared, along with the date(s) the Plan is updated*

May 1, 2013